

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

VESTIS SERVICES, LLC,

Plaintiff,

Case No. 3:24-cv-249

vs.

DCP TOOL MANUFACTURING, LLC, *et al.*,

District Judge Michael J. Newman

Magistrate Judge Caroline H. Gentry

Defendants.

**ORDER: (1) DENYING WITHOUT PREJUDICE PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT (Doc. No. 19); AND (2) REQUIRING PLAINTIFF TO SEEK
ENTRY OF DEFAULT WITHIN 14 DAYS FROM ENTRY OF THIS ORDER**

This civil case was filed on September 12, 2024. All Defendants, except for Defendant USA Freight, LLC, have been dismissed. The docket reflects that Defendant USA Freight, LLC was served on March 19, 2025, establishing an answer date on April 9, 2025. Doc. No. 17. To date, USA Freight, LLC has not answered and, therefore, it appears Defendant is in default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided in the Federal Rules of Civil Procedure, and that fact is made to appear by affidavit or otherwise, the Clerk shall enter the party's default. *See* Fed. R. Civ. P. 55(a).

Plaintiff has filed a motion for default judgment (Doc. No. 19), but the Clerk of Court has not put on an entry of default. An entry of default is required before the Plaintiff may move for default judgment. *See* Fed. R. Civ. P. 55(a). Accordingly, the Court **DENIES WITHOUT PREJUDICE** Plaintiff's motion for a default judgment. Doc. No. 19.

Plaintiff is **ORDERED** to seek an entry of default against USA Freight, LLC within **14 days** from the entry of this Order. Plaintiff is **NOTIFIED** that failure to timely seek an entry of default may result in the dismissal of this action for failure to prosecute.

IT IS SO ORDERED.

June 25, 2025

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge